

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Bennie M. Stanley

Docket No. 7:12-CR-6-1H

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bennie M. Stanley, who, upon an earlier plea of guilty to Possession With Intent to Distribute a Quantity of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), and Possession of a Firearm and Ammunition by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 15, 2012, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months. On December 18, 2014, pursuant to 18 U.S.C. § 3582(c)(2), the court ordered that the defendant's term of imprisonment be reduced to Time Served effective November 1, 2015.

Bennie M. Stanley was released from custody on October 30, 2015, at which time the term of supervised release commenced.

On May 16, 2016, the court was notified that the defendant had been arrested for Driving While Impaired (16CR51529) and Speeding (16CR702381) in Brunswick County. Given the defendant's denial that he was driving while impaired, the court agreed to take no action pending adjudication of the charges.

On July 25, 2016, the court was notified that the defendant was cited for Driving While License Revoked Impaired Revocation and Possess or Display Altered/Fictitious/Revoked Driver's License (16CR704669) in Brunswick County. However, given the confusion concerning the status of the defendant's driving privilege, these charges did not appear to reflect a willful violation. Accordingly, the court agreed to take no action.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 3, 2017, the defendant was convicted of Driving While Impaired-Level 5 (the offense previously reported in May 2016). He pled Not Guilty and has appealed the conviction to Superior Court in Brunswick County. Accordingly, based upon the District Court conviction, it is recommended that the defendant be ordered to perform 24 hours of community service. He signed a Waiver of Hearing agreeing to the proposed modification of supervision. Additionally, on April 1, 2016, the defendant agreed to make monthly payments of \$50 toward his court ordered financial obligations beginning April 15, 2016. However, due to several financial obligations and a period of unemployment, he has fallen behind on his payments. Nonetheless, as he has secured employment, made recent efforts to comply with the financial obligation, and recommitted to making regular, no further action is recommended at this time.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

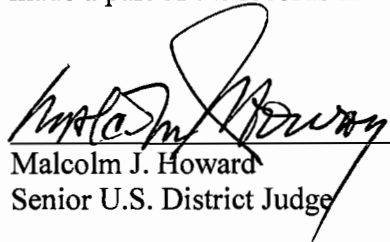
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2045
Executed On: January 25, 2018

ORDER OF THE COURT

Considered and ordered this 29th day of January 2018, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge